



THE BELARUSIAN
ASSOCIATION
OF JOURNALISTS

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MASS MEDIA IN BELARUS

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NOVEMBER–DECEMBER 2014



The virtual space makes the most influential factor of influence on the population. However, it is not a rare case that the Internet is far from fostering the public development and serving the state. Therefore, the Web should be regarded as a de-facto mass medium that requires the adequate legislative regulation, since it facilitates distribution of mass media production.

*Liliya Ananich,
Minister of Information of Belarus*

Since the traditional mass media have already been clamped, the government focused its efforts on the Web-censorship, since the Internet remained the last remaining space for distribution of news and opinions in Belarus. We are calling upon the government to cancel these rejections.

*Nina Ognianova,
Committee to Protect Journalists,
New York (CPJ)*



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SITUATION IN MASS MEDIA FIELD IN NOVEMBER-DECEMBER 2014 (review)

The situation in Belarusian mass media field aggravated abruptly at the system level at the end of 2014.

Amendments to the Belarus law 'On Mass Media' were hastily adopted at the end of 2014. They strengthened the official control over the internet and distribution of mass media production.

Among other grave violations of freedom of speech in Belarus in November-December 2014, here should be mentioned the following:

- **long-term simultaneous blocking of access to several independent on-line media;**
- **prosecution of journalists;**
- **criminal proceedings against a journalist on charges of treason.**

MAIN EVENTS IN MASS MEDIA FIELD IN NOVEMBER-DECEMBER 2014

INTRODUCTION OF AMENDMENTS TO THE BELARUS MASS MEDIA LAW

In December 2014, the official authorities urgently introduced changes to the Belarus law "On Mass Media", primarily related to on-line resources. The Lower Chamber of the National Assembly of Belarus adopted them in two readings on December 17th. The Upper

Chamber endorsed the law on December 18th and the President of Belarus signed it on December 20th. The legal act came into force on January 1, 2015.

According to this document, the Ministry of Information has acquired the right to block access to online resources without a court order.



The owners of Web-resources are obliged to track their Web-site visitors' comments. Actually, as for responsibilities, all Web-resources have been equaled to media outlets with even tougher measures of responsibility imposed on their owners without judicial proceedings. However, they do not enjoy the mass media rights at that.

The legislative changes have aggravated the situation of traditional mass media, too. Among other, the law obliges distributors of print and broadcast media to register in the Ministry of Information of Belarus and entitles the Ministry with the authority to deprive them of their right to distribute the media.

“These amendments are based on vaguely formulated legal provisions and give the state the vast right to interfere with any information posted on the Internet,” OSCE Representative on Media Freedom Dunja Mijatovic wrote in a letter to the authorities in Belarus. “They also impose quasi-censorship functions on disseminators of information”, she said.

BLOCKING OF ACCESS TO INDEPENDENT ON-LINE MEDIA

Simultaneously with introduction of amendments to the Mass Media law, there was blocked access to several popular independent Web-resources.

The unprecedentedly mass and continuous blocking of on-line media started on December 19, 2014. Without any explanations, there was limited access to three Web-sites of the officially registered BelaPAN News Agency (belapan.com, belapan.by, and naviny.by)



as well as to the news Web-sites belaruspartisan.org, charter97.org, udf.by, 21.by, gazetaby.com, zautra.by and some other Web-resources for Belarusian users.

It was only in one case that the state assumed responsibility for blocking access to the Onliner.by Web-portal. The Web-site owners were accused of violating the rules of e-commerce. Nevertheless, according to experts' findings, the blocking of Web-sites was carried out by 'Beltelecom' state-owned enterprise that provides broadband Internet access in Belarus. The access to some Web-sites was limited until the end of 2014. The other part of Web-sites suffered from blocking till the beginning of 2015.

Most probably, the serious attack was caused by a sudden increase of public interest in the unbiased information about another currency crisis in Belarus.

Also, it looks like the restriction of access to the Web-sites could be regarded as a kind of 'training' on the eve of the coming Presidential election campaign 2015. It showed how the Belarusian media field could look like as soon as the amendments to the Mass Media law came into force.

CRIMINAL PROCEEDINGS AGAINST A JOURNALIST ON CHARGES OF TREASON

On November 25, 2014, the Belarusian special services detained Aliaksandr Alesin, a military expert and a columnist of 'Belarusians and Market' weekly.

The news appeared only in early December. However, the KGB failed to provide explanations on the reasons for the detention and the location of the detained journalist at that. Later, it appeared that the media worker was imprisoned in the KGB Detention Centre. On December 8th, Alesin's relatives reported that the journalist was charged with treason (article 356 of Belarus Criminal Code) and establishing co-operation with foreign secret services or intelligence agencies (article 356-1 of Belarus Criminal Code). According to Alesin's relatives, it was not the columnist,



but some foreign diplomat, who was regarded as the main suspect on the case.

A. Alesin was released from custody on his recognizance on December 10, 2014. He said that the charge of treason was withdrawn from him. However, he is still suspected of [cooperation with foreign intelligence services](#).

After his release on recognizance, [A. Alesin said](#) that he had used exclusively open source in his work that any examination could confirm.

PROSECUTION OF JOURNALISTS

The cases of prosecution of journalists on standard charges of participation in the unauthorized actions or cooperation with foreign media without press credentials became more frequent at the end of 2014.

Seven journalists and civil activists were prosecuted on administrative charges in November 2014. [They were accused of taking pictures against the background of an old building](#) with the famous city graffiti of newspaper-made birds leaving their cages in Vitsiebsk on November 5, 2014. Actually, the media workers took part in the photo-session in support of 'Stand up for Journalism!' solidarity campaign, initiated by the European Federation of Journalists.

The photos were posted on a number of Web-sites that led to repressions. In particular, six photo-session participants were fined 200-250 EUR (in equivalent) on charges of taking part in an unauthorized action.



Another civil activist was arrested for three days for taking part in the solidarity action. [The European Federation of Journalists expressed protest](#) and arranged a similar photo-session in Brussels in solidarity with Belarusian colleagues.

An officially accredited 'Radio Liberty' correspondent in Belarus Mikhas Karnievich from Hrodna was fined 150 EUR (in equivalent) on similar charges. His report from a public action, commemorating a historical hero of Belarus Kastus Kalinowski, was regarded as 'participation in an unauthorized event' by official authorities. Among other, it was stated in the police report that the media worker had been "present close to the monument and moving in an organized group".

Four other journalists were prosecuted for their journalistic activity in the interest of foreign media without accreditation (article 22.9 of Belarus Code on Administrative Offenses – 'Violation of Mass Media legislation'). Among other, independent journalists Andrei Mialeshka and Ales Zaluski were fined three and two times respectively for their journalistic work within the year.



Article 22.9 of Belarus Code on Administrative Offenses hadn't been applied in relation to the journalists, who cooperate with foreign media, till April 2014, since the legal norm doesn't provide for any liability for journalistic activity without accreditation.

However, the police and courts in some areas started applying groundlessly the article for 'illegal creation of mass media products'. Consequently, there were filed 14 administrative cases against the Belarusian journalists, who contributed materials to foreign media without accreditation of the Ministry of Foreign Affairs of Belarus, in 2014. 10 trials resulted in the imposition of fines on the prosecuted journalists in the amount of 4,500,000 – 6,000,000 Belarusian rubles (approx. 350-450 EUR) per case. One more trial is expected to take place in 2015. Three remaining cases were closed, since the liability period had expired.

RATING LISTS, INDEXES, STATISTICS

Belarus has occupied the last position in the Eastern Partnership Media Freedom Watch ranking for the 6th time in a row.

According to a survey of experts, Belarus and Azerbaijan kept showing the worst indicators in the EaP media freedom field in July-October 2014. Since the EaP Media Freedom Index creation two years ago, Belarus hasn't managed to leave its last position in the rating list.

It should be mentioned that the survey had been conducted before the start of criminal proceedings against the journalist Aliaksandr Alesin, the introduction of non-democratic amendments to the Belarus law 'On Mass Media', and mass blocking of access to Web-sites in Belarus. Otherwise, the experts' notes on the current situation in the national mass media field would have been much more negative indeed. The analysis of survey results shows that the repressive legislation in the FoE field and total state control over TV and radio broadcasting exert the gravest impact on the index of Belarus.



The quarterly Media Freedom Watch index is a part of EaP Media Freedom Watch project, implemented by 'Internews-Ukraine' international NGO in partnership with NGOs from other five EaP states. The index is obtained by summing the points of participating countries in four categories: "Policies", "Practice", "TV-Radio Broadcasting" and "Web and New Media". 60 media experts take part in forming the rating list.

FREEDOM HOUSE REGARDS BELARUS AS A COUNTRY WITH NON-FREE INTERNET

According to the recent [report of Freedom House international human rights organization](#), the index of Internet freedom in Belarus totaled 62 points in

2014. (The countries with 0-30 points in the index are considered to be free by FH. The countries with 31-60 points are considered to be partially free. The states with 61-100 points in the index are regarded as non-free by FH.)



The position of Belarus in the Internet Freedom index had been a bit worse with 67 points in 2013.

Freedom House has noted that the improvement of situation in Belarus was mainly connected to the fact that the political situation was more sustainable and that the authorities loosened control over some restrictions.

It is worth mentioning that the recent Internet Freedom Index had been formed before the introduction of amendments to the Belarusian media legislation that tightened considerably the state control over the Internet and the abrupt blocking of access to several popular Web-sites in the country.



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